

are effectively investigated and prosecuted. In addition, it will ensure that Federal investigations and prosecutions are carried out when local authorities request assistance or are unwilling or unable to effectively prosecute cases.

It is important that the Federal Government have the ability to take aggressive action against hate crimes in States where current laws are inadequate. For example, only 31 States and the District of Columbia include sexual orientation-based or disability-based crimes in their hate crimes statutes. This law will help ensure that all hate crimes are fully investigated and prosecuted.

This measure, which has strong bipartisan support, would strengthen existing law in two ways. First, it would eliminate a serious limitation on Federal involvement under existing law—namely, the requirement that a victim of a hate crime was attacked because he or she was engaged in federally-protected activity such as voting or attending school. It also would authorize the Department of Justice to investigate and prosecute hate crimes based on sexual orientation, gender, gender identity, or disability. Current law does not provide authority for involvement in these four categories.

Hate crimes are un-American. They cannot be tolerated. When individuals are targeted and attacked because of who they are, entire communities suffer and we are all diminished by it.

S. 1105 would give us the tools we need to be more effective in combating crimes of hate. The House passed its version of hate crimes legislation on May 3 and now the Senate must do our part. I call on my colleagues to support S. 1105 and I urge its passage without further delay.

MILITARY COMMISSIONS ACT

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, first of all, thank you for taking some time and presiding in the chair so I can make this statement.

Last year, I made a very difficult decision. I voted for the Military Commissions Act because I believed it would make our Nation safer and help us fight the war on terrorism. I did not support the bill, however, without reservations.

I said at the time it was not the law I would have written. To the contrary, I supported the bill with the understanding we would go back and fix some of the problems that remained unsolved. Tomorrow, the Senate has an opportunity to fix one of the most glaring of those problems, the failure to provide detainees with the right to habeas corpus.

A right to habeas corpus was a fundamental right in the eyes of our Founding Fathers. It was seen as a mechanism for accountability within our

Government, giving prisoners a way to challenge detentions that were unlawful or unconstitutional.

A right to habeas corpus has remained a cornerstone of our criminal justice system since our very beginning as a Nation. It continues to be reaffirmed time and time again by every court in the land. Granting all prisoners the right to petition for habeas corpus is something that makes our Nation special and sets us apart.

Now, I am sure many Americans may wonder: Well, what is habeas corpus? What is the big fuss about this habeas corpus thing? Well, let me try to explain.

Habeas corpus gives a person, a citizen, people, the right to ensure they are being held by the Government lawfully, that they were not the victim of malfeasance or misfeasance on the part of the Government. It is not an easy standard to meet, and it is not taken lightly by the court system.

To make a case for habeas corpus requires a significant amount of proof that a detention of that individual violates the laws of the United States. Let me say that one more time. Proving that you are entitled to relief, proving that you are entitled to a writ of habeas corpus by the court, is not an easy task.

The claim is usually denied. Only those who truly deserve the writ are able to obtain it. I say this to reassure those who may feel that granting detainees the right to habeas corpus, as the amendment would do, would quickly let loose those who would then attack our country and our citizens. That simply will not happen.

What will happen is those detainees who are being held unlawfully, if there are any who are being held unlawfully, who are being denied their basic human rights, will have a chance to make their case in court. They will, for the first time, be able to argue they are being held without any evidence of wrongdoing. They will be able to argue, possibly, they were tortured for a confession that is simply not true.

In short, they will be allowed to hold our great Nation to the standard of fairness, lawfulness, and decency that our Founding Fathers established when they penned the U.S. Constitution.

Some people may not believe detainees are entitled to such a basic right. They argue these people may not be U.S. citizens; that they do not believe the Constitution provides them with any protection or any guarantees.

I disagree. I would ask those people one thing: If the terrorists convince us to throw away the very rights that make us free, the very rights that make our Nation what we uniquely are, does that not mean the terrorists have won?

If we believe in the rule of law, and if we believe in a system of justice, we must give all people detained by our Government the right to challenge that detention. Our Government must play by the rules. It must detain people

who are supposed to be detained, and it must be prepared to make that case in a court of law.

The United States can do better than depending on indefinite, unchallengeable detentions to imprison an individual suspected to be a terrorist. We do not need shortcuts to keep our Nation safe.

We can fight the war on terror and respect human rights at the same time. What makes America worthy of fighting for and dying for is the Constitution and the Bill of Rights. It sets us apart from the rest of the world, and we cannot permit its erosion or its undermining. The Constitution and the Bill of Rights need to be preserved.

Therefore, I intend to fully support the Leahy-Specter amendment that will be offered tomorrow to restore habeas rights to detainees. I urge my colleagues to do the same.

I yield the floor.

EULOGY FOR HOWARD GITTIS

Mr. SPECTER. Mr. President, a very close, personal friend and a great American died the day before yesterday, Howard Gittis, a very distinguished Philadelphia lawyer in the great tradition of Andrew Hamilton who defended Peter Zenger. Those of us who are Philadelphia lawyers take great pride in that tradition from Andrew Hamilton and the historic defense of Peter Zenger, and Howard Gittis was in that mold.

I have been a personal friend of Howard Gittis for some 50 years. I was told he went to sleep on Sunday night and didn't awaken, died in his sleep apparently of a heart attack.

Howard Gittis was a partner in the very prestigious firm of Wolf, Block, Schorr & Solis-Cohen for some 23 years. He then joined a noted entrepreneur, Ronald Perelman of New York, and was the executive vice president of McAndrews & Forbes in New York City.

Howard was noted for his charitable contributions both as an alumnus of the University of Pennsylvania Law School, where he contributed substantially to Penn's law school which named Gittis Hall and the Gittis Center for Clinical Legal Studies at Penn in honor of Howard Gittis's contribution to the law school and his charitable support of the university.

Not only did he support the University of Pennsylvania, but he also served on the board of Temple University for 31 years, including 5 as chairman of the board, and the Temple Student Center is named for him.

Always affable, always cheerful, always ready to lend assistance to friends or even to those who were not close friends. He left an indelible mark in the Philadelphia legal community and in the New York business community.

His funeral services occurred earlier today in New York and burial occurred this afternoon in Philadelphia.

I think it appropriate to pay tribute to an outstanding American who did so much for the legal profession and so much for charitable contributions with both the University of Pennsylvania and Temple University.

TRIBUTE TO AUGIE HIEBERT

Mr. STEVENS. Mr. President, I have come to the Senate floor today to honor one of Alaska's most admired pioneers and a dear friend of mine and my whole family.

Alaskans will remember Augie Hiebert for his many achievements in the field of broadcasting and for opening the doors to modern communications for all Alaskans. In a State with few roads, where hundreds of miles of wilderness often separate towns and villages, Alaskans rely upon airwaves to connect them with people and events across our State, across the country, and around the globe. Augie was one of the first to bring the benefits of broadcast technology to our last frontier.

At an early age, Augie developed a fascination for electronics and radio which would lead him to a career in broadcasting. While growing up on an orchard in Washington State during the Great Depression, Augie built his own first radio. He earned his ham radio license at the age of 15. He was just 22 years old when he came to Fairbanks in 1939 to help a friend build KFAR Radio.

On the morning of December 7, 1941, Augie was listening to ham radio broadcasts at KFAR's transmitter when he heard of the attack on Pearl Harbor. He was one of the first in Alaska to hear the shocking news and immediately alerted the commander of Ladd Field right there in Fairbanks.

Having witnessed firsthand the impact broadcasting had on the lives of those who were living in Alaskan territory, Augie set out to bring the technology of television to what we call our great land. In 1953, Augie built Alaska's first television station, KTVA, bringing news, weather, sports, and entertainment to the people of Anchorage. Two years later, he broadcast the first television shows to Fairbanks when he built KTVF. Augie's TV stations brought history's defining events from around the globe into Alaska's living rooms. In 1969, Augie gave us the first live satellite broadcasts, and Alaskans from Fairbanks to Anchorage watched Neil Armstrong walk on the moon.

As Alaska's broadcast industry grew, so did Augie's family. He and his wife Pat raised four daughters.

During his long career in broadcasting, Augie served Alaska in many ways. He was the founder and president of the Alaska Broadcasters Association. When I was practicing law, I helped him form that association. Every year, Augie brought a group of Alaskan broadcasters to Washington for Alaska Day at the Federal Commu-

nications Commission, where he gave them a rare opportunity to speak on a one-to-one basis with commissioners about the unique challenges facing broadcasters in Alaska. But Augie's efforts to educate the FCC about Alaskan broadcasting didn't end there. He invited them, and the entire FCC at one time traveled to Alaska at his request.

In the early 1980s, Augie led the fight to preserve AM broadcast coverage in Alaska, which resulted in the creation of the class of the 1-N FCC category, a category just for our State of Alaska. Over the years, Augie introduced countless Alaskans to broadcasting and gave many their start in the industry. Though he officially retired in 1997, Augie remained committed to the future of broadcasting in Alaska, and until the day of his death, he was talking to me about the problem of white spaces in the current debate over new digital broadcasting.

He became a mentor to the students at Mirror Lake Middle School in Chugiak, AK, where he shared his enthusiasm for broadcasting and he helped students produce news programs for the school's closed-circuit television system, and they did that every morning before school started. He showed them how to prepare a morning show for their school. Augie brought leading professionals in the field of broadcasting to Mirror Lake to share their experiences and knowledge with these students. Today, the school operates a low-powered FM radio station which Augie helped build and license. It is the only class D low-powered radio license in the country issued to a school.

Rather than all of the firsts he achieved during his long career, Alaskans will remember Augie most as the man who made the Nation's largest State a little bit smaller. His efforts brought us closer to one another and closer to the rest of the world. Our thoughts and prayers are with Augie's daughters, their families, and all who loved him.

This man was a great American, a great Alaskan, and my great friend.

60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE

Mr. DOMENICI. Mr. President, today I would like to pay tribute to the U.S. Air Force as it commemorates its 60th anniversary, known as "Heritage to Horizons . . . Commemorating 60 Years of Air and Space Power." New Mexico has maintained a long and close relationship with the U.S. Air Force, and I am proud to congratulate the Air Force on its 60th anniversary.

New Mexico is home to Cannon, Holloman, and Kirtland Air Force Bases as well as the former Walker Air Force Base. We in New Mexico are honored and proud that so many Air Force officers and airmen, whose professionalism and dedication are unsurpassed, have called New Mexico home.

The fact that the Air Force is celebrating Air and Space Power is not lost on New Mexico, where work is done in both areas. Holloman will be a premier site of air power when the 49th Tactical Fighter Wing becomes home to the F-22A Raptor, the most advanced fighter in the world. Cannon is also undergoing changes and growth in the air power arena, as Air Force Special Operations Command stands up a new wing at Cannon on October 1. Kirtland continues to grow as home to much space work, including the Air Force Research Laboratory's Space Vehicle Directorate and the Operationally Responsive Space Office.

For the last 60 years, America has been protected by the greatest Air Force in the world. I salute the men and women of the Air Force and hope that on the Air Force's 60th anniversary, New Mexicans will take time to thank the officers and airmen who have served and honor the memory of those who have given their lives in our defense.

Mr. CRAPO. Mr. President, GEN H.H. "Hap" Arnold, USAF, once said, "A modern, autonomous, and thoroughly trained Air Force in being at all times will not alone be sufficient, but without it there can be no national security." It is in the name of our national security that today I recognize the U.S. Air Force's 60th anniversary.

One hundred years ago, Henry H. "Hap" Arnold graduated from the U.S. Military Academy. That same year, in August 1907, the U.S. Army Signal Corps established an aeronautical division to oversee "military ballooning, air machines and all kindred subjects." Arnold went on to become the Chief of the Army Air Corps, and, upon the creation of the U.S. Air Force as a separate branch of the military in 1947, a year after General Arnold's retirement, Congress appointed him to the rank of five star general—the first and only in the history of the Air Force.

The U.S. Air Force was created by Congress to "be organized, trained, and equipped primarily for prompt and sustained offensive and defensive air operations." "[It] shall be responsible for the preparation of the air forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war." Today, on the anniversary of the National Security Act of 1947, we celebrate 60 years of an independent Air Force. This independence was necessary and critical and remains so in order that, in the recent words of MG Charles J. Dunlap, Jr., the United States has "one service that focuses on maximizing options for decision-makers by optimizing airpower."

The U.S. Air Force, comprised of close to 700,000 Active Duty, civilian, Air National Guard, and Air Force reservists, plays a vital and instrumental role in the ongoing fight against terrorism and other emerging threats on